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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE TRAVIS COLTON,

Defendant.

CASE NO. 2:24-CR-00029 DAD

STIPULATION AND ORDER TO CONTINUE
MOTION TO SUPPRESS HEARING AND
EXCLUDE TIME

DATE: September 24, 2024
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney, through Assistant United States Attorney Whitnee Goins, attorney for Plaintiff and Federal Defender Heather E. Williams through Assistant Federal Defender Douglas Beevers, attorney for Kyle Travis Colton that the motion to suppress hearing, currently scheduled for September 24, 2024, be continued to October 29, 2024, at 9:30 a.m.

The parties jointly request the following modified briefing schedule for the motion to suppress. The parties believe a continuance to October 29, 2024, will permit defense counsel the additional time necessary to conduct pretrial investigation, identify and interview witnesses, obtain pertinent records, and finalize any further pre-plea negotiations.

Defendant's Motion to Suppress was filed on July 24, 2024. The government's response shall be filed October 11, 2024. Defendant's Reply shall be filed October 18, 2024. The hearing on the Motion to Suppress shall be heard on October 29, 2024.

Counsel for defendant believes that failure to grant the above-requested continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, as well as continuity of counsel.

Based upon the foregoing, the parties agree time under the Speedy Trial Act should be excluded of this order's date through and including October 29, 2024; pursuant to 18 U.S.C. §3161 (h)(7)(A) and (B)(iv) and General Order 479, Local Code T4 based upon continuity of counsel and defense preparation and continuity of counsel.

Counsel and the defendant also agree that the ends of justice served by the Court granting this continuance outweigh the best interests of the public and the defendant in a speedy trial.

Dated: August 23, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ WHITNEE GOINS
WHITNEE GOINS
Assistant United States Attorney

Dated: August 23, 2024

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
KYLE TRAVIS COLTON

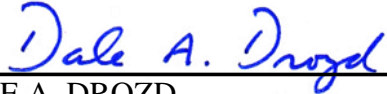
ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefore, adopts the parties' stipulation in its entirety as its order. The Court specifically finds the failure to grant a continuance in this case would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, as well as continuity of counsel. The Court finds the ends of justice are served by granting the requested continuance and outweigh the best interests of the public and defendant in a speedy trial.

The Court orders the time from the date the parties stipulated, up to and including October 29, 2024, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and General Order 479, (Local Code T4). It is further ordered the September 24, 2024 status conference shall be continued until October 29, 2024, at 9:30 a.m.

IT IS SO ORDERED.

Dated: August 23, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE